

Justice Action Group Executive Committee Meeting
March 15, 2018 - 2:00 p.m.
SJC Conference Room
Capital Judicial Center - Augusta

MINUTES

Present: J. Mead, J. Rich, Diana Scully, Jamie Kilbreth, and Deirdre Smith
By phone: Susan Driscoll, Charlie Dingman, and Ginger Davis

- I. **Approval of Minutes:** No additions/corrections noted to Jan. 18, 2018 minutes. Minutes approved.

- II. **Report from the Chair - J. Mead**
 - a. Inventory updates: Justice Mead went over his proposed updated inventory. A few changes were suggested.
ACTION PLAN: After the Pro Se Committee entries are updated, the Inventory will be recirculated for a final review.

 - b. Unprofessional Conduct/Action Planning: Justice Mead reviewed the discussion from the January 18 Executive Committee where the suggestions from the December Board meeting were discussed and the Executive Committee decided that JAG should undertake two initiatives to help address bullying and sexual harassment within the legal profession at this time: (1) The ACP would spearhead efforts to present educational programs in conjunction with the MSBA, the Law School, and others; and (2) JAG would create a list on its web page of all efforts and initiatives being undertaken by any organizations or individuals to address the sexual harassment, bullying, and unprofessional conduct concerns.
[NOTE: The December JAG Board meeting discussion produced many excellent suggestions that should be considered at some point in the future, perhaps by other organizations, but the Executive Committee felt that JAG lacked the resources to pursue any further initiatives at this time.] Rather than awaiting the June Board Meeting to ratify the EC's decision, it was decided to contact all of the Board members to see if there were any objections or offers of assistance with the two proposals. The minutes were distributed to Board members along with a request to report any objections or concerns and to advise if any resources could be contributed to the efforts. No responses were received. Accordingly, we should conclude that we have a green light to start the initiatives.
ACTION PLAN: (1) The ACP will spearhead efforts in conjunction with the MSBA, the Law School, and others to present CLE efforts to address the concerns [NOTE: The MSBA is hard at work on related programming for upcoming meetings. JAG will be kept in the planning loop and will offer any assistance possible.]; (2) Justice Mead and Cindy will collaborate with Diana Scully to improve the JAG web page and incorporate a table itemizing all efforts being undertaken to address the concerns. Justice Mead will send, on hardcopy JAG letterhead, a letter to law firms, organizations, governmental entities and any other organizations involved with

the legal profession to ascertain what efforts or initiatives they are undertaking to address the unprofessional conduct concerns and will enter the responses on the JAG webpage database.

- c. Katahdin Counsel Recognitions & Review of Katahdin Counsel Statistics: Justice Mead indicated the numbers are still down and that the Pro Bono Committee is looking into possible solutions. The Katahdin Counsel program has been complicated this past year by the fact that extensions for filing were offered that placed the reporting deadline beyond the usual October recognition ceremonies. Recognition ceremonies will be held in Portland, Bangor, and Augusta in early May [NOTE: The location for the Portland session has not yet been determined.] Justice Mead will send a letter and post an announcement on the Katahdin counsel web page to announce the dates and locations for ceremonies and to clarify that the program is reverting to its usual schedule (reporting periods from July 1 – June 30 and ceremonies in October).
- d. Discussion of audio quality for remote attendees to Board meetings: Justice Mead talked about the audio issues at the last Board meeting. He has made arrangements with Matt Pollack to work this out for the June board meeting.
- e. JAG website: Justice Mead indicated he's going to try and beef up the website with more content, etc. Diana reported that she moved the JAG link button to a prominent position on the MJF homepage that is more likely to be seen and used. Judge Rich reported that he has still not heard from the committee who will advise on the inclusion of the federal court on the letterhead but that he had no concerns about being listed on the letterhead with his federal court affiliation.
- f. LD 1680: Justice Mead reported that the court was in favor of the bill and had spoken in favor during the committee hearing. Diana reported that it has passed the House with a veto-proof margin. Charlie mentioned the last Senate action was March 6th and it was placed on the appropriations table for further review. Charlie said it's not projected to have any fiscal impact until future years so it should pass.

III. Vice-Chair's Report – Judge Rich- Deferred to his Pro Bono Committee report (below).

IV. Pro Bono Committee Report – Judge Rich

- a. Reporting of Pro Bono Hours w/Annual Attorney Registration: Judge Rich reported that the committee is continuing to move forward. Their February meeting was postponed, but he and Juliet have been pushing forward with the concept of pro bono hours being reported on the Board of Overseers registration form. Jackie Rogers is talking to their IT person regarding the cost of adding these questions and the general feasibility of it. Judge Rich believes the Pro Bono Committee should be focusing their energy towards KC to get those hours reported. He thinks realistically it will be 2019 before the form gets finalized and can go out. He doesn't think there will need to be any rule change to add these questions to the registration form. Justice Mead said the proposal should be molded into a complete and comprehensive presentation before review by the SJC

in a manner that allows an up or down vote. In a similar vein, Judge Rich discussed the emeritus counsel concept and reported that the proposal was still being worked up. He also confirmed that the Committee will put together a formal package before presenting it to the SJC. Judge Rich discussed the idea of promoting pro bono celebrations and recognitions such as the ones being undertaken at various law firms.

V. Justice Systems Committee Report – No report at this point. Efforts continue under Subcommittee 3 (best practices) of the Court Systems Subcommittee.

VI. Legislative Committee Report – *Charlie Dingman* – Justice Mead mentioned ATJ Day is right around the corner and he thanked the Justice Foundation for taking the lead on this every year. He mentioned the “to-do” list that Diana has tweaked from an older version that Carrie Wilshusen had prepared which contained lots of historical perspective from when the ATJ Day was first initiated. Charlie said the committee is considering the prospect of some kind of luncheon (but different from the pizza lunch that we attempted without success a couple years ago. Charlie mentioned how helpful Barbara Cardone has been with this work and she wants to be more front and center on this. He thinks it would be great if they could get the provider executive directors together with Barbara and any other legislators to discuss what the providers do and why they need more money. Charlie suggested that the primary effort would be to get the providers and legislators together, but it would be great if the judges would also participate. Justice Mead and Judge Rich both indicated they would welcome the opportunity to be involved. Justice Mead suggested including Senator Gratwick. Ginger mentioned Rep. Bailey. Diana suggested Janice Cooper. Jamie mentioned Drew Gattine, but Charlie isn’t sure that Drew would be interested. Jamie thinks given Drew’s position we really need to work with him.

Justice Mead thinks the luncheon is a great idea. Charlie suggested doing it in the old legislative council chambers, that it is nice, but it will depend on whether they can get that room. Charlie is also going to speak with Barbara to see if she can spearhead this. Charlie inquired about where we were with the various responsibilities on the checklist. Justice Mead mentioned the letter that he circulates to the legislators and asked if anyone has any specific points they’d like drafted into it; if so, he need to get them within a week or so because the letter will be drafted around then. Diana will circulate last year’s draft. Diana will reach out to Peggy Reinsch. Justice Mead thinks Diana’s updated version of the checklist is a really efficient and effective way to allocate responsibilities (and timelines!) and create institutional memory for future ATJ Days. He asked Diana to circulate it.

VII. ACP Chair’s Report – *Jamie Kilbreth* – Jamie talked about the ACP’s role in putting together some programs regarding unprofessional conduct and related issues. The ACP is looking at programs for bystander training and implied bias. They’re trying to come up with some useful panels/programs to do this. Possibly at Legal Year in Review, etc. He discussed implicit bias and thought there a program that is going to be presented at the April meeting of the state/federal judicial council. Judge Rich indicated he will be attending and will report back if this looks like something that the ACP and JAG would like to consider. Justice Mead mentioned a recent

presentation of state judges on implicit bias. The speaker was a Judge, possibly a federal judge from the mid-west, who has established a national recognition for his work on these issues. He said it was very well done and enlightening.

VIII. Executive Committee Organization Updates:

- Courts: AMM said nothing further to report.
- ACP: Jamie has already reported.
- MJF: Diana reported that Nan Heald received the 2018 Dana Award and Stan Tupper received the 2018 New Lawyer Award. She reported that the MJF has \$900,000 to one million in Bank of America settlement funds that have not yet been committed. MFJ intends to issue a request for proposals for a new round of grants. She noted that the new Campaign for Justice director and other MJF staff have been working hard to ensure a smooth transition from previous to current Campaign staff and leaders. The final amount raised by the 2017 Campaign is in excess of \$730,000—a significantly larger number than last year. This success is attributable in large part to donors inspired by Peter DeTroy.
- MSBA: Sue reported that MSBA put out a survey regarding the harassment/bullying issues. They have the results back. It only went to the MSBA members rather than all of the lawyers in the state. They'll be talking about what to do with this information. She said they want to put together a PowerPoint presentation to present to maybe law firms and Inns of Courts, etc. She mentioned the programming for the summer bar meeting and that it's going to be focused on technology and artificial intelligence, how it's reshaping all professions. The MSBA would also like to work with JAG, the providers, the courts, the Law School, and anyone else on programs addressing the unprofessional conduct issues; it could be presented on Day 2 of the bar meeting. She's also been working with Dean Conway regarding getting into the high schools and doing presentations.
- MTLA: Was not present today.

Other

Business: Justice Mead will circulate committee membership list the EC membership to see if there are any errors or omissions.

IX. Confirm 2018 JAG Executive Committee and Board meeting dates.

JAG Board (Feeney Conference Room - Cumberland County Courthouse):

June 28th - 3:00

Dec. 6th - 3:00

Executive Committee (SJC Conf. Room - 4th floor - Capital Judicial Center):

June 4th - 2:00

September 6th - 2:00

November 28th - 2:00

Meeting adjourned at 3:30.